

### **SUPPLEMENTAL EXAMINER'S AMENDMENT**

The present Supplemental Examiners Amendment is sent to correct that Claim 7 was also a cancelled without prejudice, which was a typographical mistake that has now been corrected under the section "IN THE CLAIMS".

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Madsen, Applicant's Representative, on 4/18/08.

#### **IN THE CLAIMS**

Claims 7-10, 13-15, and 17-19 have been cancelled without prejudice.

#### ***Election/Restrictions***

Claims 1 and 16 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(b), claim 2, directed to the process of making or using the allowable product, previously withdrawn from consideration as a result of a restriction requirement, is hereby rejoined and fully examined for patentability under 37 CFR 1.104. Cancelled claims that were directed to the invention(s) of Group III-IV, would have required all the limitations of an allowable product claim, and have NOT been rejoined.

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Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, **the restriction requirement as to group II as set forth in the Office action mailed on 9/22/06 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

Claims 1, 2 and 16 were indicated as allowable and not reasonably taught or suggested by the prior art of record, after the last action. The claims have now been amended thereto.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Claims 1, 2, and 16 are allowed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAURY AUDET whose telephone number is (571)272-0960.

The examiner can normally be reached on M-Th. 7AM-5:30PM (10 Hrs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA, 4/27/09

/Cecilia Tsang/

Supervisory Patent Examiner, Art Unit 1654